

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROBERT D. THORNE, JR.; BARBARA J.
DENYSSCHEN; DAVE SHEER GUNS;
DIPLOPOINT; SOUTHERN ARMS; and G
and D GROUP,

Plaintiffs,

v.

U.S. DEPARTMENT OF STATE;
MICHAEL R. POMPEO, in his official
capacity as Secretary of U.S. Department of
State; DIRECTORATE OF DEFENSE
TRADE CONTROLS, Bureau of Political
Military Affairs, U.S. Department of State;
MIKE MILLER, in his official capacity as
Acting Deputy Assistant Secretary for
Defense Trade Controls, Bureau of Political
Military Affairs, U.S. Department of State,

Defendants.

Case No. 2:19-cv-01982-JCM-EJY

ORDER

Before the Court is the Joint Status Report (ECF No. 40) filed by the parties to this dispute. Setting aside the respective positions of the parties, there is agreement to the “request that the Court set March 11, 2021, as the deadline for Plaintiffs to file their motion to supplement or amend the Complaint.” *Id.* at 4. The parties further request that the Court set March 18, 2021 as the date on which the parties will file a second joint status report in which they will indicate whether Defendants oppose Plaintiffs’ motion and, if Defendants do oppose Plaintiffs’ motion, due dates for the opposition and reply. *Id.* The parties further state that that “if Defendants consent to Plaintiffs’ motion,” they will “propose a briefing schedule for Defendants’ anticipated motion to dismiss.” *Id.*

The Court understands and, in the Order below, grants the date for Plaintiffs to file a motion to supplement or amend the Complaint. However, the Court is confused by the proposition that if Defendants consent to Plaintiffs’ motion, there would need to be dates set for a motion to dismiss. That is, if Defendants believe Plaintiffs’ proposed motion lacks merit for any number of

1 reasons, Defendants should oppose the motion to supplement or amend arguing futility. There
2 would be no need for a separate motion to dismiss. However, nothing about this Order precludes
3 any party from filing a motion it believes the Court should consider.

4 Accordingly, IT IS HEREBY ORDERED that Plaintiffs are granted through and including
5 March 11, 2021 to file a motion to supplement or amend their Complaint.

6 IT IS FURTHER ORDERED that any opposition to Plaintiffs' proposed motion to
7 supplement or amend their Complaint shall be due 14 days later in compliance with Local Rule 7-
8 2(b). Any reply is due 7 days thereafter. *Id.*

9 IT IS FURTHER ORDERED that the parties may file a stipulation seeking an order to
10 reasonably extend these due dates.

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12 Dated this 20th day of January, 2021

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15 ELAYNA J. YOUCHAH
16 UNITED STATES MAGISTRATE JUDGE
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